

PUBLIC HEARING – SEPTEMBER 5, 2017 - JIM HAGAN – MATT PADUANA –
BUSINESS PARK-HARBORLIGHTS PARKWAY –1686 LAKEPORT ROAD SLB 10-1-9.24
– LOT #1- CONVENIENCE STORE & GAS STATION – LAKEPORT MARKET
SHACKELTON POINT PROPERTIES

The hearing was opened by Frank Park. The secretary read the notice as published in the Oneida Dispatch.

Present: Dave Allen, Sherry Menninger, Paul Jasek, Frank Park, Phil Costanzo, John Ceresoli and John Langey, atty.

Mr. Hagan gave a presentation of the plans for the convenience store and gas station at 1686 Lakeport Road. Mr. Paduana plans to build a 4500 sq. ft convenience store with gas pumps. The exits will be off Enterprise Parkway. There will be four pump islands. There will be parking on three sides of the building. There will be a fenced dumpster and small shed on the edge of the property to maintain the property. There will be access for snowmobiles at the rear of the property. There will be landscaping in the front of the building with the use of berms and trees. There will be a sign “Lakeport Market” attached to the building. There will be a 14’ sign along Route 31 stating “Lakeport Market” and “Citgo” with gas prices.

Mr. Paduana spoke before the Board stating his intentions for the convenience store. The store will be open until 11PM. It will not be an all-night store.

Jean Aldamano - lives across the street from this location – likes quiet does not want this business across the street from the homes on Rt. 31. She is concerned about traffic, light and noise.

Bob Wood- 223 Marine View Drive – also concerned about lighting – concerned about music and sound outside the building.

Per Mr. Hagan, there will be canned lighting directing downward

Paul McPherson – 226 Marine View Drive, Harbour View – concerned about noise and lighting from his deck and back yard.

Jeff Brant -203 Marine View Drive – do we need another gas station? There are several in the area.

Bob Polchanski - has the only business in the business park. Originally knew that this business park could be filled up. As a small business, he is happy to have a deli, gas, etc. He is only concerned about lighting, security and increased traffic in the business park.

Betty Wood – 223 Marine View Drive – why do you want to put the store there? Is it because of the casino? Per Mr. Paduana he had planned this business before the casino came to Bridgeport.

Ellie Chopper – Harbour Shore Road - concerned about the speed limit along this area of Route 31. The DOT has looked at this issue and they have signed off on it.

John Becker – Supervisor - spoke about the need for this development in the Town.

Shawn Steding – what are the plans for turning off Route 31 into Enterprise Parkway. It will remain the same as it is now.

Shannon Emmans – State Route 31 - lighting per proposal will be 20’ high but the exterior lights will be turned off when the store is closed; concerned about headlights hitting her windows – wonders if something could be placed to limit that. She will ask Mr. Becker about having a traffic study done.

Bob Polchanski – what can be done in the future to control the traffic that will be entering and exiting the Park. Mr. Becker will ask about having a traffic study done.

No one else spoke for or against this special use permit for a convenience store and gas station on Route 31.

A motion was made by Paul Jasek and seconded by John Ceresoli to close the hearing. All in favor.

**REGULAR MEETING OF THE TOWN OF SULLIVAN PLANNING BOARD –
SEPTEMBER 5, 2017**

The regular meeting of the Town of Sullivan Planning Board began at 7:00PM

Present: Frank Park, David Allen, Sherry Menninger, John Ceresoli, Paul Jasek, Phil Costanzo, and John Langey, atty.

A motion was made by John Ceresoli and seconded by Paul Jasek to accept the minutes for August 1, 2017 minutes. All in favor.

**BRIDGEPORT AUTO – ROB SENICLE – ROUTE 31 – BRIDGELAND AUTO – FORMER
OTB**

Mr. Senicle appeared before the Board to revise his special use permit – he plans to have an attached sign at the corner of the building altering the face view of the building. The canopy will be eliminated. He is changing the blacktop to alter the parking lot and the sod. He is altering the sign..

Mr. Senicle needs to present new plans to the Board showing the new face view of the building, the changes in the blacktopped areas and the 18' sign along Route 31.

TOWN OF SULLIVAN

PLANNING BOARD RESOLUTION

BP 585 LLC (Owner) and ROBERT SENIECLE (Applicant) - Amendment to the January 6, 2015 Approval for a Special Use Permit to Operate a Vehicle Sales and Service Business at Owner's Premises Located at 585 Route 31 (Tax Map No. 8.7-1-2.12) in the Town of Sullivan in a Business District - GRANTED WITH CONDITIONS.

September 5, 2017

Sherry Menninger moved and Dave Allen seconded the following Resolution:

WHEREAS, BP 585 LLC, as Owner, and **Robert Seniecle**, as Applicant, of property located at 585 Route 31 (more commonly known as Tax Map No. 8.7-1-2.12) in the Town of Sullivan (the "Property"), previously appealed to the Town of Sullivan Planning Board (the "Board") on or about December 1, 2014 for a special use permit to operate a vehicle sales and service business, with associated parking and drainage facilities, at the Owner's premises in a Business District pursuant to Article V, Section 1 of the Town of Sullivan Zoning Law, as amended (the "Law"), and such application was approved on January 6, 2015 (the "Original Approval"); and

WHEREAS, the Applicant now seeks to amend the Original Approval to include: (1) the removal of grass/greenspace between the parking lot and the roadway, resulting in a slight parking lot

reconfiguration of 25' of blacktop area; (2) elimination of the existing canopy on the structure in favor of a new façade; and (3) change the existing free-standing sign but utilize the established pole; all as described in the submitted plans; and

WHEREAS, the Applicant previously completed and submitted a Short Form Environmental Assessment Form, the same was reviewed and considered by the Board, along with the other submissions provided by the Applicant on September 5, 2017 and the Board determined it will assume lead agency status for the purposes of the requirements of the State Environmental Quality Review Act (the "SEQRA"); and

WHEREAS, previously as part of the original approval application on January 6, 2015, the Board determined to issue a Negative Declaration for the purposes of SEQRA for the proposed Special Use Permit, such that no further environmental determinations are required for the action; and

WHEREAS, after due notice by publication in the official newspaper of the Town and due notice to the Owner, Applicant, neighboring landowners and Board Members, the Town of Sullivan Planning Board held a public hearing on the application at the Board's regular meeting held on September 5, 2017 in accordance with the law and the Zoning Law; and

WHEREAS, the Applicant's application was considered fully by the Planning Board and upon such consideration the Board hereby finds among other things that:

1. Will comply with all provisions and requirements of Article V of the Town of Sullivan Zoning Law and all of the other local laws and regulations of the Town of Sullivan and will be consistent with the purposes of the land use district in which it is located; to wit, a Business District;
2. The project location, size of use and structure will be in harmony with the orderly development of the Business District and will be consistent with the Comprehensive Plan and with the purposes of Article V of the Town of Sullivan Zoning Law because the project, as proposed, meets all parking requirements, setbacks and lot coverage requirements. Further, the proposed business use as a vehicle sales and service site is entirely consistent with the land use district and surrounding properties, which have been identified as both active residential and commercial in nature. It is also acknowledged that the proposed use is an allowed

use subject to this Special Use Permit and is therefore consistent with the character of the neighborhood if properly sited and operated;

3. The project will not be more objectionable to nearby properties than would the operation of any permitted other use and since it will not result in the release of harmful substances or any other nuisances, nor cause excessive noise, dust, odor, solid waste or glare because the project includes the necessary measures needed to minimize the possibility of the release of harmful substances. The applicant has proposed an oil-water separator to be installed to separate oils, sediments and other hazardous materials from the waste water streams so as to not adversely impact the environment. Any impacts of noise or dust will only be temporary and are not expected to be excessive during remodeling and site improvement. Once construction is complete, the proposed use will generate noise at levels equal to or less than other permitted uses, which have occurred on and near the site itself. Solid waste will be managed and screened on-site with all waste being placed in dumpsters that will be located away from the public view. Lighting has been designed to avoid light spillage off of the site as documented by the submitted photometric study;
4. The project will not cause undue traffic congestion, unduly impair pedestrian safety or overload existing roads, considering the current width, surfacing and condition because the site is located along Route 31. In addition, the project will have sufficient sight distance;
5. Adequate public and private parking is provided and the project will be accessible to fire, police and other emergency vehicles because the site provides parking in order to meet the current Zoning Code minimum requirements. The site plan provides for a 360° access to the building to the building for fire, police and other emergency vehicles as demonstrated through the submitted site drawings;
6. The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value. The project will be suitable to such conditions on operation, design and layout of structures and provision of screening, buffer areas and offsite improvements as may be necessary to ensure compatibility with surrounding uses and to protect the scenic resources of the Town because the site has been designed to provide the applicant with a site that balances the compatibility with the surrounding uses and the functionality of the business operations. The applicant has proposed site improvements, including plantings, berms and improvements to the building's façade that will complement the area; and

WHEREAS, the Board has fully considered all of the application materials, drawings and submissions associated with the proposed use amendment.

NOW THEREFORE, BE IT RESOLVED that the Town of Sullivan Planning Board hereby allows and grants the Applicant's request for an Amended Special Use Permit for the operation of a vehicle sales and service business, with associated parking and drainage facilities, specifically: (1) the removal of

grass/greenspace between the parking lot and the roadway, resulting in a slight parking lot reconfiguration of 25' of blacktop area; (2) elimination of the existing canopy on the structure in favor of a new façade; and (3) change the existing free-standing sign but utilize the established pole; at the Owner's premises, all in specific accordance (and specifically conditioned upon compliance) with the submitted application, plans and specifications, to wit:

- Site Plan: Proposed Auto Sales & Service, 585 NYS Route 31, prepared by L.J.R. Engineering, P.C., dated December 1, 2014, as last revised;
- Sheet 1 of 2: Elevations, prepared by B. Dean Johnson, Architect, dated December 12, 2014, as last revised;
- Sheet 2 of 2: Floor Plan, prepared by B. Dean Johnson, Architect, dated December 12, 2014, as last revised;
- Bridgeland Auto Parking Lot, prepared by Lighting Design Services, dated January 2, 2015;
- "Bridgeland Auto Brokers Sheet A-1", prepared by Group One Design, dated August 9, 2017, as last revised;

However, conditioned upon the following prior approval conditions:

1. All construction will be in strict compliance with the submitted plans and drawings;
2. Hours of operation shall be as proposed by the applicant in his application, to wit:
 - a. Monday - Thursday
 - Shop - 8:00 a.m. - 5:00 p.m.
 - Sales - 9:00 a.m. - 7:00 p.m.
 - b. Friday
 - Shop - 9:00 a.m. - 5:00 p.m.
 - Sales - 9:00 a.m. - 6:00 p.m.
 - c. Saturday
 - Shop - 9:00 a.m. - 1:00 p.m.
 - Sales - 9:00 a.m. - 4:30 p.m.

No change to hours shall be allowed without prior approval of the Planning Board.

3. All signage shall be as shown on the main plans and included on the submitted drawings, although the applicant will be allowed to berm the signage by an additional 2' - 3', such that the signage will not exceed a full height of $\approx 8\frac{1}{2}'$ measured from grade;
4. Signage shall be an internally illuminated, static sign with no flashing features;
5. No outside storage shall be permitted;

6. Applicant shall maintain no junk cars on the site;
7. All cars located on the site will be 1) under an active work order; or 2) presently for sale by the business. Each car will have to demonstrate the ability to be operated on a highway (proof of this may be through registration, insurance, inspection, etc.). Also allowed are customer and employee vehicles;
8. There will be no more than 100 cars for sale and/or service at any point in time;
9. Parking surfaces will be as shown on the plans and will be striped;
10. Lighting will be pursuant to the plans, as certified by the applicant's engineer, and the applicant's engineer shall submit a letter certifying that the lighting will not spill onto neighboring properties or interfere with traffic along Route 31;
11. Applicant will continuously submit up-to-date proof of State licensing for sales and service, as required;
12. Sanitary sewer service shall be installed pursuant to approval by the Town;
13. Applicant will install an appropriate oil separator for the use;
14. There shall be no vehicle painting on the site;
15. Applicant will utilize existing road cuts;
16. The plans shall be modified to show final grading (topography) and proposed drainage patterns, along with proof that drainage will not have an adverse effect on surrounding properties, all to the satisfaction of the Town;
17. All dumpsters shall be in the rear of the building, not visible from the street and the location of same shall be placed on the site plan map;
18. Submission of construction documents with dimensions noted, which submission must be architecturally stamped and approved, taking into account windspeed in the area and snow loads; and

BE IT FURTHER RESOLVED that the Applicant shall comply in all respects with the Zoning Law; and

BE IT FURTHER RESOLVED that the Town's Zoning Officer is hereby authorized and directed upon payment of any required fees (including reasonable and necessary professional fees incurred by the Town in association with the application) to issue such permits and certificates or to take such other actions as may be required to effectuate and enforce this Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall be effective as of the date of its filing with the Town Clerk and shall be subject to annual inspection for compliance.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

John Ceresoli	Voted	YES
Dave Allen	Voted	YES
Sherry Menninger	Voted	YES
Paul Jasek	Voted	YES
Frank Park, Chairman	Voted	YES

The Chairman, Mr. Park, then declared the Resolution to be duly adopted.

FRANK PARK, Chairman of the Planning Board of the Town of Sullivan, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on September 5, 2017, a quorum being present.

FRANK PARK, CHAIRMAN

Town of Sullivan Planning Board

CHARLOTTE A. FERSTLER, Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in her office on September ____, 2017.

CHARLOTTE A. FERSTLER, Town Clerk

CARMEN ROSMELIA – DOG DAY CARE – 1292 ROUTE 5 WEST- CHITTENANGO

Mr. Rosmelia returned with revised plans for the Dog Day Care. There are four activities on this property. The furniture refinisher space has become available. The dog run will be placed in the front of the building.

A motion was made by Dave Allen and seconded by John Ceresoli to schedule a public hearing for a special use permit for a Dog Day Care at 1292 Route 5 West, Chittenango. The hearing will be held on October 3, 2017 at 6:45PM. All in favor.

DAN BEAL – 2 LOT SUBDIVISION -735 MOORE ROAD, KIRKVILLE, NY

Mr. Beal appeared before the Board on behalf of Dominic Petrullo. Mr. Beal would like to purchase Mr. Petrullo's home plus 50 acres and leaving 100 acres.

A motion was made by Sherry Menninger and seconded by Paul Jasek to declare the Town of Sullivan Planning Board as Lead Agency and make a negative declaration to the short form SEQR. A public hearing will be held on October 3, 2017 at 6:30PM for a two lot subdivision at 735 Moore Road, Kirkville, NY. All in favor.

JOHN TORNATORE (JOHN BECKER)- SCHOOL HOUSE ROAD, ROUTE 31 – SLB 10.58-1-5

Mr. Tornatore would like to move a building onto his property which is in a business zone.

A motion was made by Sherry Menninger and seconded by John Ceresoli to schedule a public hearing for October 3, 2017 at 6:15PM. for a special use permit to allow the placement of a building on Mr. Tornatore's property. All in favor.

ERIN DAVIES AND DAVID SCIBIOR – 2623 WARNER HEIGHTS ROAD – SLB 5.81-1-14

Mrs. Davies and Mr. Scibior would like to subdivide one lot of .64 acres into two .32acre lots. They have sewer and water and both houses are serviced.

Dave Allen has recused himself from this application due to personal considerations.

A motion was made by Sherry Menninger and seconded by John Ceresoli to declare the Town of Sullivan Planning Board as Lead Agency and make a negative declaration for the short form SEQR and they will schedule a public hearing for October 3, 2017 at 6PM. All in favor.

JEFF TAYLOR – 1959 NEW BOSTON ROAD – 110 ACRES- SLB 33-1-68.2

Mr. Taylor would like to subdivide 15.5 acres from the total 110 acre parcel to build a house. The entire property has a barn. The water percs.

A motion was made by Dave Allen and seconded by Paul Jasek to declare the Town of Sullivan Planning Board as lead agency and make a negative declaration to the short form SEQR and schedule a public hearing for a two lot subdivision at 1959 New Boston Road. Lot #1 is 15.5 acres and Lot #2 is 94.5 acres. The hearing will be held at 5:45PM on October 3, 2017.

JIM HAGAN – MATT PADUANA – BUSINESS PARK-HARBORLIGHTS PARKWAY –
1686 LAKEPORT ROAD SLB 10-1-9.24 – LOT #1- CONVENIENCE STORE & GAS
STATION – LAKEPORT MARKET – SHACKELTON POINT PROPERTIES

Mr. Hagan presented copies of his proposal for the convenience store and gas station in the Business Park

This convenience store will be placed on four acres and is 5400 sq. ft.

Mr. Langey is reviewing what needs to have attention on the long form SEQR with the Board.

The photometric plan is dated July 24, 2017 and was prepared by Red Leonard

Hours of operation will be from 5AM to 11PM weekdays and 5AM to 12 AM Friday and Saturday.

Mr. Taylor went through Part I of the process of the long form SEQR with the Board. The items reviewed in the SEQR are very similar to the review done on the original SEQR for *Nice and Easy*.

John Langey reviewed Part II of the long form SEQR.

TOWN OF SULLIVAN PLANNING BOARD RESOLUTION

SEQRA RESOLUTION AND NEGATIVE DECLARATION

Dated: September 5, 2017

LITTLE JOHN, LLC (as Owner) and SHACKELTON POINT PROPERTIES

(Matthew Paduano) (as Applicant) for a Special Use Permit, Final Development Plan

and Site Plan Approval to Operate a Convenience Store with Gasoline Pumps

at 1686 Route 31, Town of Sullivan, County of Madison,

State of New York (Tax Map No. 10.-1-9.24) - Lot #1

WHEREAS, Volume 6 NYCRR Sections 617.3 and 617.6 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (SEQRA), require that as early as possible and within twenty (20) days after submission of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, previously, the Planning Board of the Town of Sullivan, at its regularly scheduled meeting held on August 1, 2017, reviewed the application and documents submitted by Shackelton Point Properties, as Applicant, with authorization from Little John, LLC, as Owner, for the granting of a Special Use Permit, Final Development Plan and Site Plan request for an approximately 4,538 sq. ft., single-story convenience store with four (4) gasoline pumps to be located at the southeast corner of NYS Route 31 and Enterprise Parkway in the Harbor Lights Business Park Planned Development District (more particularly known as Tax Map No. 10.-1-9.24); and

WHEREAS, previously, the Planning Board of the Town of Sullivan, at its regularly scheduled meeting held on August 1, 2017, reviewed the Full Environmental Assessment Form submitted by the Applicant, dated July 25, 2017 and determined that:

1. This project, which anticipates the construction and operation of a convenience store and gasoline pumps, will require SEQRA review;
2. The proposed action is an Unlisted Action;
3. The following are involved/interested agencies:
 - a. **The Town of Sullivan Development Corporation and Architectural Control Committee**, Attn: John Becker, 7507 Lakeport Road, Chittenango, New York 13037;
 - b. **Madison County Planning Department**, Attn: Scott Ingmire, Director, P.O. Box 606/138 North Court Street, County Office Building, Wampsville, New York 13163;
 - c. **New York State Department of Environmental Conservation**, 50 Wolf Road, Albany, New York 12233-0001;
 - d. **New York State Department of Environmental Conservation**, Region 7, 615 Erie Boulevard West, Syracuse, New York 13204.
4. That the Planning Board assumed Lead Agency status in connection with the SEQRA review for this project and shall undertake a coordinated review;

5. That the Planning Board directed that a Lead Agency notification letter be circulated among the various involved/interested agencies together with the distribution package including the Full Environmental Assessment Form, a map, a site plan, final development plan, and such other information as has been prepared and submitted to date by the applicant; and

WHEREAS, more than thirty (30) days has elapsed since said notification, such that the Town of Sullivan Planning Board has assumed lead agency status; and

WHEREAS, the Town of Sullivan Planning Board on this date of September 5, 2017, has reviewed all of the application materials submitted by the applicant; the Full Environmental Assessment Form; comments from the Town's consulting engineers, Barton & Loguidice, dated August 25, 2017; a response to said comments by Hagan Architects, P.C., dated September 5, 2017; and final comments dated September 1, 2017 from the Town's consulting engineers, Barton & Loguidice; and

WHEREAS, each of the various areas of environmental concern, as identified pursuant to the Regulations, have been fully considered, analyzed and discussed by the Planning Board with assistance of its consulting engineers.

NOW, THEREFORE, IT IS RESOLVED, that upon motion by Dave Allen and seconded by John Ceresoli, the Planning Board of the Town of Sullivan hereby reaffirms that the proposed action is an Unlisted Action; and it is further

RESOLVED that the Planning Board after careful review of the application and Environmental Assessment Form hereby determines that the proposed action will not have a significant adverse effect on the environment, and that this Resolution shall constitute a Negative Declaration for the project, as proposed (and as a reaffirmation of the original Negative Declaration for the project from 2011), for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the NYCRR Section 617.3 for the following reasons:

- The proposed Special Use Permit/Final Development Plan/Site Plan would entail the construction of an approximately 4,538 sq. ft., single-story convenience store with gasoline pumps, as depicted in the plans, which plans were noted as follows:

- “Proposed Lakeport Market”, prepared by Hagan Architects, P.C., including:
 - Site Plan, dated July 25, 2017, as last revised August 28, 2017;
 - Site Details, dated July 25, 2017, as last revised August 28, 2017;
 - Elevations, dated July 25, 2017, as last revised August 28, 2017;
 - Floor Plan, dated July 25, 2017, as last revised;

as well as the following plans:

- Plans prepared by Red Leonard Associates, dated July 24, 2017:
 - Photometric Plan (Page 3 of 8);
 - Lighting Fixture Cut Sheets (Page 7 of 8);
- Topographic Survey Lot #1 Harbor Lights Business Park - Phase II (New York State Route #31), prepared by Myers and Associates, P.C., dated December 13, 2010;
- The proposed use would occur on a pre-existing previously subdivided lot, which is zoned Planned Development District;
- The proposed use is a use similar, but smaller in scope, than a previous approval for a convenience store with gasoline pumps having been granted by the Planning Board on or about May 9, 2011 after a thorough environmental review of the potential environmental impacts of such a use on the site at that time;
- The proposed use at 4,538 sq. ft. is substantially smaller in scope than the prior approval of over 6,000 sq. ft., with smaller impacts from gasoline pumps and a more controlled access plan than the previously approved plan, thus enhancing traffic safety;
- The Madison County Planning Department in correspondence dated August 7, 2017, has returned the application for a local determination, noting that the County believes that the revised road driveway scheme “allows for ample traffic flow, while using only Enterprise Parkway for ingress/egress to NYS Rte. 31.”;
- The Madison County Planning Department further commented that “The proposed site plan does show a good use of landscape plantings, which will enhance the overall look of the site.”;
- Impacts on Land.
 - The Board hereby determines that the action may involve construction on or a physical alteration of the land surface at the proposed site. It is noted however, that the proposed action does not involve construction on land where the depth of the water is less than 3’.
 - The Board determines that there would be no construction on slopes of 15% or greater.

- It is hereby determined that the proposed action would not involve construction where bedrock is exposed or generally within 5' of the existing ground surface.
- The proposed action will also not involve excavation or removal of more than 1,000 tons of natural materials.
- The proposed action will not involve construction that would continue for more than 1 year in multiple phases. The Board notes that the construction itself should be completed in less than 8 months from the time that ground is broken. The Board also notes that the prior approval of the project did involve multiple phases but with the down-scaling of the project, phasing is removed.
- The Board notes that while the proposed action could result in increased erosion, whether from physical disturbance or vegetation removal, that the Applicant will use acceptable erosion control measures including silt fencing and will operate the project under an approved Stormwater Prevention Pollution Permit, which must be completed, accepted and filed prior to the commencement of construction. The Board notes that the project is not located with any coastal erosion area and did not identify any additional impacts to land.
- Impacts on Geological Features.
 - The Board hereby determines that there are no significant negative environmental impacts relative to the project with regard to impacts on geological features as there has been no identification of any potential for destruction of or inhibition of access to any unique or unusual land forms on the site. It was noted that the site is a relatively flat site adjacent to NYS Route 31, significantly distanced from Oneida Lake, and contains no cliffs, dunes, known minerals, fossils or caves. In addition, the Board notes that the site is not adjacent to any geological feature listed as a Registered National Natural Landmark. The Board thereby determined that this project would have no impact on geological features.
- Impacts on Surface Water.
 - The Board has discussed whether the project would have any potentially significant negative impacts on one (1) or more wetlands or other surface waterbodies, including streams, rivers, ponds or lakes. The Board has concluded all such impacts would be small or would not occur as there are no wetlands or surface waterbodies located on the site itself, nor will the proposed location of the construction of the convenience store with gasoline pumps create a new body of water. The Board further determines that the action will not result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water. Further, there will be no dredging occurring on the site nor will the action of all of the construction within and adjoining freshwater or tidal wetland nor in the beds or banks of any other waterbody.

- The Board hereby determines that there would be no action which would create turbidity in a waterbody or create upland erosion runoff or disturbance of bottom sediments.
- While it was acknowledged that the construction of the site may cause some soil erosion, it was noted that such erosion would be temporary in nature and that the developer has proposed to implement acceptable soil erosion mitigation measures, install silt fencing and otherwise abide by the Town's and State's stormwater regulations. It was noted that the proposed construction will not affect the water quality of any waterbodies downstream from the site and that the action will not involve the utilization of pesticides or herbicides in or around any body of water. In addition, while the proposed action will not require the construction of new or expansion of any existing wastewater treatment facilities as the existing receiving facility, the Sylvan Beach Treatment Plant, has sufficient capacity for anticipated flows from the project. Further, it was estimated by the Applicant and confirmed by the Town's consulting engineers that it is anticipated that only 600 gallons of sewage per day could be generated from the site.
- Impacts on Groundwater.
 - The Board hereby further considers and determines that the proposed action will not result in any significant or additional use of groundwater or any negative impacts in new or additional use of groundwater or have the potential to introduce contaminants into groundwater or the aquifer. In so determining, the Board considered the following factors:
 - The proposed action will not require a new water supply well or create a demand on supplies from existing water supply wells as the project will utilize publicly available water.
 - The water supply demand from the proposed convenience store with gasoline pumps will not exceed safe and sustainable withdrawal capacity rates of the local supply of water.
 - The proposed convenience store with gasoline pumps will not have negative impacts on current or potential residential uses in the area, which do not have water or sewer services as they will utilize the public water supply source.
 - In addition, the proposed action will not include or require wastewater discharge into groundwater as there will be a public sewer connection to the facility. Further, the proposed construction will not involve the creation of water supply wells at locations where groundwater is or suspected to be contaminated, nor will the proposed action involve bulk storage of petroleum or chemical products over groundwater or at identified aquifers and, in any event, the Applicant proposes to use certified bulk storage tanks for gasoline and other chemical products pursuant to current New York State Department of Environmental Conservation regulations.

- Impacts on Flooding.
 - The Board determined that there is no expected potentially large impact to flooding on the developed lands.
 - The Board noted that the proposed action is not in a designated floodway nor is it in a 100 year floodplain or a 500 year floodplain.
 - The Board further considered that there will be no requirement to modify existing drainage patterns on the site, which is relatively flat and presently provides appropriate drainage to the site.
 - There are no dams located on the premises.
- Impacts on Air.
 - The Board determined that the proposed action will have no potentially negative impact to air quality and will not be an operation which is a State regulated air emission source.
- Impacts on Plants and Animals.
 - The Board determines that while there will be a loss of potential flora and fauna, such loss would be temporary in nature and would not be a significant negative environmental impact under the circumstances, noting the following:
 - The proposed action will not cause a reduction in the population or loss of any individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over or near the site.
 - The Board determines that the action will not result in a reduction or the degradation of any habitat used by any rare, threatened or endangered species as listed by New York State or the Federal government.
 - The proposed action will not cause a reduction in the population or loss of individuals of any species of special concern or conservation need, as listed by New York State or the Federal government, that uses the site, or are found on, over or near the site.
 - The proposed action will not result in a reduction or degradation of any habitat used by any species of special concern or conservation need, as listed by New York State or the Federal government.
 - The Board notes that there has been no identification of any registered National Natural Landmark on the site.
 - The proposed action will not result in the removal of, or ground disturbance in, any designated significant natural community.
 - The proposed action will not interfere with the nesting/breeding, foraging or over-wintering habitat for the predominant species that occupy or use the project site. Rather, there may be temporary

impacts to native species such as deer and like animals; however, there is sufficient natural habitats adjoining the proposed site.

- Impacts on Agricultural Resources.

- The Board determined that there would be no potentially significant negative environmental impacts with regard to agricultural resources based upon the following findings:
 - The site contains no soils classified within soil group 1 through 4 of the NYS Land Classification System.
 - The proposed construction will not sever, cross or otherwise limit access to agricultural land and have not been used as agricultural land in the past, as no such lands have been identified in the immediate area.
 - The proposed action will not result in the excavation or compaction of the soil profile of active agricultural land as there are no active agricultural lands on the site.
 - The proposed action will not irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District as such lands are not located within any State-certified Agricultural District.
 - The proposed action will not tend to disrupt or prevent installation of an agricultural land management system as there are none proposed for this area.
 - The proposed action will not result directly or indirectly in an increased development potential or pressure on farmland as the Business Park area has been carefully planned to avoid such impacts.

- Impacts on Aesthetic Resources.

- It is hereby determined by the Board that the proposed action, *i.e.* the establishment, construction and operation of a 4,538± sq. ft. convenience store will not have a potentially large negative impact on identified aesthetic resources based upon the following findings:
 - The land use as proposed does not differ from or be in sharp contrast to current land use patterns between the proposed project and any identified scenic or aesthetic resource. The proposed area's only potential visual resource would be Oneida Lake, which is not visible from the site. In addition, there are numerous commercial uses located in the area of a similar size and scope, including Fremac Marina.
 - The proposed action is not visible from any officially designated State, Federal or local scenic or aesthetic resources.

- The proposed action will not result in the obstruction, elimination or significant screening of one (1) or more officially designated scenic resources as there have been none identified in this area.
- The proposed action will not be visible from publicly accessible vantage points, either seasonally or year-round.
- The activity most likely occurring of which viewers are engaged while viewing the proposed action would be by vehicle travel on a State Highway with a posted speed limit between 45 and 55 mph.
- The proposed action will not cause a diminishment of the public's enjoyment and appreciation of any designated aesthetic resource.
- Furthermore, there are some similar projects visible within a 0-1 mile range, including Fremac Marina and other sites within the Industrial Park.
- Impacts on Historic and Archeological Resources.
 - The Board hereby determines that the proposed action is not occurring adjacent to any historic or archeological resource and therefore there will be no potentially large negative impact to same.
- Impacts on Open Space and Recreation.
 - The Board hereby determines that the proposed construction of a convenience store with gasoline pumps will not result in a loss of recreational opportunities or a reduction of an open space resource as designated in any municipal open space plan, as there is no such plan and the premises have not been used as a potential recreational site in the past and such was not planned for the future.
- Impacts on Critical Environmental Areas.
 - The Town of Sullivan has not designated any Critical Environmental Areas within the confines of the Town, including the proposed site and, therefore, there will be no significant negative impact on a Critical Environmental Area.
- Impacts on Transportation.
 - The Board hereby determines that there will be no potentially large negative impact regarding transportation systems based upon the following findings:
 - The property had previously been approved for a similar use at a larger scale, accommodating more cars, and there had been no determination of a negative transportation impact regarding same.
 - As confirmed by the Town's consulting engineers, there is no projected traffic increase which would exceed the capacity of the existing road network, *i.e.* NYS Route 31.
 - As shown on the site plans, the proposed action will not result in construction of a paved parking area for over 500 or more vehicles.

- As confirmed by the Town's consulting engineers, the proposed action will not degrade existing transit access. Such access on the site has been previously approved by NYSDOT.
 - It is hereby determined that the proposed action will not degrade existing pedestrian or bicycle accommodations. NYS Route 31 has sufficient shoulder area for bicycle riding and the area is seldomly used as a pedestrian walkway.
 - The proposed action will not alter the present pattern of movement of people or goods in a significantly negative way.
- Impacts on Energy.
 - The proposed action will not cause a significant increase in the use of any form of energy. The Board noted that there will be a non-substantial increase in the use of electricity, natural gas or propane services for the new convenience store; however, such use will not require the construction of a new or upgraded substation. Further, the action is not associated with, nor will it supply more than 50 single-family residences or similar sized commercial or industrial use.
 - The proposed action will not utilize more than 2,5000 MW of electricity per year, nor will it involve heating and/or cooling of more than 100,000 sq. ft. of building.
- Impacts on Noise, Odor, and Light.
 - While the Board acknowledges that there will be some impact resulting from noise, odor and outdoor lighting, such impacts are small and are mitigated by project modifications, including the use of downward, shielded lighting on the site and the developer's commitment to extinguishing all outdoor lighting (except for security lighting) at the time of the closure of the business on each evening. Further, the established hours of operation, until 11:00 p.m. Sunday through Thursday and 12:00 a.m. (midnight) on Friday and Saturday, will mitigate any such impacts.
 - The construction of berms, as depicted on the plans, will assist in shielding lights emanating from cars entering or leaving the site to the greatest extent possible.
 - There is expected to be no odors emanating from the site as the proposed use is a convenience store with gasoline pumps. The gasoline service will include appropriate odor control technology.
- Impacts on Human Health.
 - There have been identified issues with any potential impacts on human health.
- Consistency with Community Plans.

- The proposed action of a convenience store with gasoline pumps is not inconsistent with any adopted community plan, but is consistent with the prior adoption of the Planned Development District for the overall site.
- Consistency with Community Character.
 - While the Board recognizes that a new commercial site at the Industrial Business Park will provide some alteration to the community character, it is not expected that this impact will be significant or negative in any regard. Indeed, the Board has acknowledged that other commercial facilities are located within the neighborhood, including within the Industrial Park itself. In addition, the Industrial Park has been designed to allow for additional commercial/industrial uses as part of its designation as a Planned Development District.
 - Further the Board has considered the fact that the proposed action will not replace or eliminate any existing facilities, nor will the proposed action create a demand for additional community services and that the proposed action will not displace affordable low-income housing where there is a shortage of such housing.
 - The Board has also considered that there will be no interference by the use with any officially recognized or designated public resources.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

John Ceresoli	Voted	YES
Dave Allen	Voted	YES
Sherry Menninger	Voted	YES
Paul Jasek	Voted	YES
Frank Park, Chairman	Voted	YES

The Chairman, Mr. Park, then declared the Resolution to be duly adopted.

FRANK PARK, Chairman of the Planning Board of the Town of Sullivan, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on September 5, 2017, a quorum being present.

FRANK PARK, CHAIRMAN

Town of Sullivan Planning Board

CHARLOTTE A. FERSTLER, Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in her office on September ___, 2017.

CHARLOTTE A. FERSTLER, Town Clerk

A motion was made by John Ceresoli and seconded by Dave Allen to adjourn the meeting at 10;15PM. All in favor.

Respectfully submitted,